

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

MCF/APB

Mailed: August 16, 2007

Opposition No. 91175522  
Cancellation No. 92047788

UV Sales, Inc.

v.

Opthonix, Inc.

Opposition No. 91175710

Opthonix, Inc.

v.

UV Sales, Inc.

(as consolidated)

**Andrew P. Baxley, Interlocutory Attorney:**

Inasmuch as the above-captioned proceedings involve the same parties and common questions of law and fact, UV Sales, Inc.'s ("UV") consented motions (filed July 24, 2007) to consolidate these proceedings are granted. See Fed. R. Civ. P. 42(a); *see also, Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson*

Opposition Nos. 91175522 and 91175710  
Cancellation No. 92047788

*Research Inc. v. Society for Human Resource Management*, 26  
USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91175522 as the "parent" case. As a general rule, from this point onward, only one copy of any submission should be filed herein; but that copy should include all three proceeding numbers in its caption. However, and because the involved proceedings were consolidated prior to joinder of the issues in Cancellation No. 92047788, Opthonix, Inc. ("Opthonix") should file its answer in that proceeding before commencing the practice of filing a single copy of any submission in the parent case.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

Discovery and trial periods in these newly consolidated proceedings are reset as follows.

THE PERIOD FOR DISCOVERY TO CLOSE: 1/28/08

30-day testimony period for UV as plaintiff in Opposition  
No. 91175522 and Cancellation No. 92047788 to close: 4/27/08

30-day testimony period for Opthonix as defendant in  
Opposition No. 91175522 and Cancellation No. 92047788  
and as plaintiff in Opposition No. 91175710 to close: 6/26/08

Opposition Nos. 91175522 and 91175710  
Cancellation No. 92047788

30-day testimony period for UV as defendant in Opposition  
No. 91175710 and its rebuttal testimony period as  
plaintiff in Opposition No. 91175522 and Cancellation No.  
92047788 to close: 8/25/08

15-day rebuttal testimony period for Opthonix as plaintiff in  
Opposition No. 91175710 to close: 10/9/08

**Briefs shall be due as follows:**  
[See Trademark rule 2.128(a)(2)].

Brief for UV plaintiff in Opposition No. 91175522 and  
Cancellation No. 92047788 shall be due: 12/8/08

Brief for Opthonix as defendant in Opposition No.  
91175522 and Cancellation No. 92047788 and as  
plaintiff in Opposition No. 91175710 shall be due: 1/7/09

Brief for UV defendant in Opposition No. 91175710 and its  
Reply brief (if any) as plaintiff in in Opposition No.  
91175522 and Cancellation No. 92047788 shall be due: 2/6/09

Reply brief (if any) for Opthonix as plaintiff in  
Opposition No. 91175710 shall be due: 2/21/09

In each instance, a copy of the transcript of testimony  
together with copies of documentary exhibits, must be served  
on the adverse party within thirty days after completion of  
the taking of testimony. Trademark Rule 2.125. An oral  
hearing will be set only upon request filed as provided by  
Trademark Rule 2.129.